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By: **Senator Currie**  
Introduced and read first time: February 23, 2004  
Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Transportation - State Highway Administration - Sale of Land Not Needed**  
3                                   **for Public Purposes**

4 FOR the purpose of altering the procedures by which the State Highway  
5 Administration is authorized to dispose of certain surplus property; establishing  
6 the right of certain persons to reacquire certain surplus property under certain  
7 terms and conditions and for a certain price under certain circumstances; and  
8 generally relating to the disposal of certain surplus property by the State  
9 Highway Administration.

10 BY repealing and reenacting, without amendments,  
11 Article - Transportation  
12 Section 8-309(a)  
13 Annotated Code of Maryland  
14 (2001 Replacement Volume and 2003 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - Transportation  
17 Section 8-309(b) and (c)  
18 Annotated Code of Maryland  
19 (2001 Replacement Volume and 2003 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22                                   **Article - Transportation**

23 8-309.

24 (a) The purpose of this section is to return unneeded land to the tax rolls of the  
25 counties and to make this land available for use by a county or municipality for any  
26 transportation purpose.

27 (b) (1) Notwithstanding any other statute to the contrary, if land acquired  
28 under this subtitle is not needed for present or future State, county, or municipal

1 transportation purpose or other public purposes, the Administration shall dispose of  
 2 the land as soon as practicable after the completion or abandonment of the project for  
 3 which the land was acquired.

4 (2) (i) If the land is from a project that was abandoned, and the  
 5 Secretary determines that the property is no longer needed for any State  
 6 transportation purpose, a county or municipality may acquire the land for a  
 7 transportation purpose, with the approval of the Secretary, on payment of an amount  
 8 equal to the lesser of:

9 1. The appraised value of the land; or

10 2. The consideration that the Administration or Commission  
 11 originally paid for the land, plus simple interest at the fair market rate calculated  
 12 from the time of acquisition to the time of disposition and administrative costs,  
 13 EXCEPT THAT IF THERE IS A WRITTEN CONTRACT OR DEED EXECUTED AFTER  
 14 JANUARY 1, 1970, BETWEEN THE ADMINISTRATION OR THE COMMISSION AND THE  
 15 PERSON FROM WHOM THE LAND WAS ACQUIRED, OR THE SUCCESSOR IN INTEREST  
 16 OF THAT PERSON, WHICH GRANTS TO THAT PERSON, OR THE SUCCESSOR IN  
 17 INTEREST OF THAT PERSON, THE RIGHT TO REACQUIRE THE PROPERTY, THE TERMS  
 18 AND CONDITIONS OF THAT WRITTEN CONTRACT OR DEED SHALL PREVAIL WITH  
 19 RESPECT TO THE PROPERTY IN ITS ENTIRETY OR WITH RESPECT TO ANY RESIDUAL  
 20 OR REMAINDER PORTION OF THE PROPERTY, NOTWITHSTANDING ANY SUBSEQUENT  
 21 CONTRARY STATUTORY LAW OR RULE OF COMMON LAW.

22 (ii) If the land is not needed for a county or municipal  
 23 transportation purpose, the person from whom the land was acquired or the successor  
 24 in interest of that person has the right to reacquire the land, on payment of an  
 25 amount equal to the lesser of:

26 1. The appraised value of the land; or

27 2. The consideration that the Administration or Commission  
 28 originally paid for the land, plus simple interest at the fair market value calculated  
 29 from the time of acquisition to the time of disposition and administrative costs.

30 (iii) If neither of these rights is exercised, the land shall be disposed  
 31 of under this section in the same manner as if the land were from a project that has  
 32 been completed or otherwise as permitted by this section.

33 (c) (1) (i) As to land from a completed project:

34 1. RESIDUAL LAND FROM A COMPLETED PROJECT SHALL BE  
 35 TREATED IN THE SAME MANNER AS UNUSED PROPERTY FROM A COMPLETED  
 36 PROJECT, AND THE PERSON FROM WHOM THE LAND WAS ACQUIRED, OR THE  
 37 SUCCESSOR IN INTEREST OF THAT PERSON, MAY REACQUIRE THE RESIDUAL OR  
 38 REMAINDER OF THE PROPERTY IN ACCORDANCE WITH THIS SUBSECTION;

39 [1.] 2. The Administration shall notify the person from  
 40 whom the land was acquired, or the successor in interest of that person, within 30

1 days after making a determination that the land is not needed by the Administration  
2 and that the land is available for reacquisition;

3 [2.] 3. Within 5 years from the date the land was acquired,  
4 the person from whom the land was acquired, or the successor in interest of that  
5 person, may reacquire the land, on payment of an amount equal to the consideration  
6 that the Administration or Commission originally paid for the property; [and]

7 [3.] 4. After 5 years from the date the land was acquired,  
8 the person from whom the land was acquired, or the successor in interest of that  
9 person, has the right to reacquire the land at the current market value, EXCEPT THAT  
10 IF THERE IS A WRITTEN CONTRACT OR DEED EXECUTED AFTER JANUARY 1, 1970,  
11 BETWEEN THE ADMINISTRATION OR THE COMMISSION AND THE PERSON FROM  
12 WHOM THE LAND WAS ACQUIRED, OR THE SUCCESSOR IN INTEREST OF THAT  
13 PERSON, WHICH GRANTS TO THAT PERSON, OR THE SUCCESSOR IN INTEREST OF  
14 THAT PERSON, THE RIGHT TO REACQUIRE THE PROPERTY, THE TERMS AND  
15 CONDITIONS OF THAT WRITTEN CONTRACT OR DEED SHALL PREVAIL WITH RESPECT  
16 TO THE PROPERTY IN ITS ENTIRETY OR WITH RESPECT TO ANY RESIDUAL OR  
17 REMAINDER PORTION OF THE PROPERTY, NOTWITHSTANDING ANY SUBSEQUENT  
18 CONTRARY STATUTORY LAW OR RULE OF COMMON LAW; AND

19 5. IF THERE IS A WRITTEN CONTRACT OR DEED EXECUTED  
20 AFTER JANUARY 1, 1970, BETWEEN THE ADMINISTRATION OR THE COMMISSION AND  
21 THE PERSON FROM WHOM THE LAND WAS ACQUIRED, OR THE SUCCESSOR IN  
22 INTEREST OF THAT PERSON, WHICH GRANTS TO THAT PERSON, OR THE SUCCESSOR  
23 IN INTEREST OF THAT PERSON, THE RIGHT TO REACQUIRE THE PROPERTY ON  
24 PAYMENT OF AN AMOUNT EQUAL TO THE CONSIDERATION THAT THE  
25 ADMINISTRATION OR THE COMMISSION ORIGINALLY PAID FOR THE PROPERTY, THE  
26 PERSON FROM WHOM THE PROPERTY WAS ACQUIRED, OR THE SUCCESSOR IN  
27 INTEREST OF THAT PERSON, MAY REACQUIRE THE RESIDUAL OR REMAINDER OF  
28 THE LAND ON PAYMENT OF AN AMOUNT EQUAL TO THE LESSER OF:

29 A. THE CONSIDERATION THAT THE ADMINISTRATION OR  
30 COMMISSION ORIGINALLY PAID FOR THE PROPERTY; OR

31 B. THE CURRENT MARKET VALUE OF THE RESIDUAL OR  
32 REMAINDER OF THE PROPERTY.

33 (ii) If the right to reacquire the land as provided in subparagraph  
34 (i) of this paragraph is not exercised within 8 months after the Administration  
35 provides the notice that the land is available, the Administration shall sell the land at  
36 public auction as provided in this subsection.

37 (2) Before the sale:

38 (i) The Administration shall appraise the land; and

39 (ii) If the Administration believes that the land has a value of more  
40 than \$25,000, the land also shall be appraised by at least one independent, qualified  
41 real estate appraiser.

- 1           (3)     The Administration shall notify the public of the sale by:
- 2                   (i)     Posting a notice of the sale on the land at least 2 weeks before  
3 the sale; and
- 4                   (ii)    Publishing the notice for 2 consecutive weeks in a newspaper  
5 that is published or has general circulation in the county in which the property is  
6 located.
- 7           (4)     The notice of the sale shall:
- 8                   (i)     Describe generally the property to be sold;
- 9                   (ii)    State the date, time, and place of the sale; and
- 10                  (iii)   Contain any other information that the Administration  
11 considers proper.
- 12           (5)     The sale shall be held on or near the land and may be conducted by  
13 Administration personnel.
- 14           (6)     At the conclusion of the sale, the Administration's representative in  
15 charge of the sale shall announce publicly the name of the highest bidder and the  
16 amount of the bid. If the highest bid does not approximate the appraised value of the  
17 land, the representative may reject all bids and cancel the sale.
- 18           (7)     The results of the sale shall be recorded and, if the highest bid was  
19 accepted by the Administration's representative, presented to the Administrator for  
20 approval or rejection. If the Administrator approves the sale, the Administrator may  
21 execute a deed conveying the land to the buyer.
- 22           (8)     If there is no bidder for the land, if all bids are rejected and the sale  
23 canceled as provided in paragraph (6) of this subsection, or if the Administrator  
24 considers all bids inadequate, the land shall be reoffered for sale within 6 months on  
25 the same terms and in the same manner as the original sale.
- 26           (9)     At the second sale, if there is no bidder for the land, if all bids are  
27 rejected and the sale canceled as provided in paragraph (6) of this subsection, or if the  
28 Administrator considers all bids inadequate, the Administrator may negotiate a sale  
29 of the land. If the Board of Public Works approves the negotiated sale and the deed,  
30 the Administrator may execute a deed conveying the land to the buyer.

31     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 July 1, 2004.